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2 IN THE SUPREME COURT OF THE STATE OF ALASKA

3 R.G.,

4 Petitioner,

5 v.

Supreme Court No. S-18129

6  
7 STATE OF ALASKA, DHSS, OCS, et.  
8 al

9 Respondents.

10 Trial Case No. 3PA-20-  
00151/152/153/154CN

11 PUBLIC DEFENDER AGENCY,

12 Applicant,

13 v.

Supreme Court No. S-18120

14 SUPERIOR COURT,

15 Respondent.

16 Trial Case No. 3PA-20-  
17 00151/152/153/154CN

18 **MOTION TO UN-CONSOLIDATE PETITION FOR REVIEW AND ORIGINAL**  
19 **APPLICATION, TO PERMIT THE PUBLIC DEFENDER AGENCY TO**  
20 **WITHDRAW FROM THE PETITION FOR REVIEW, AND TO APPOINT**  
21 **CONFLICT-FREE COUNSEL TO REPRESENT R.G. IN THE PETITION FOR**  
22 **REVIEW**

23 The Public Defender Agency docketed a petition for review on behalf  
24 of one of its clients, R.G., and an original application. Because the issues raised by  
25 the two matters are related, the Agency asked this court to consolidate the matters.  
26 For the reasons explained in the attached affidavit, the Agency is asking to withdraw  
27 from the petition for review and for this court to appoint conflict-free counsel to  
28 represent R.G. in the petition. Because the Agency can no longer ethically represent  
R.G., it asks this court to unconsolidated the cases, setting deadlines for conflict-free

ALASKA PUBLIC DEFENDER AGENCY  
Renee McFarland, Deputy Public Defender  
900 W 5<sup>th</sup>, Ste. 200 Anchorage, AK 99501  
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Email: renee.mcfarland@alaska.gov

counsel to file the substantive petition for review on behalf of R.G. and for the Agency to file its original application.

This motion is supported by the attached affidavit of counsel.

ALASKA PUBLIC DEFENDER AGENCY

DATE 6/29/21



Linda R. Beecher  
Deputy Public Defender  
Alaska Bar No. 8606041

IN THE SUPREME COURT OF THE STATE OF ALASKA

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Supreme Court No. S-\_\_\_\_\_

STATE OF ALASKA, DHSS, OCS, et.  
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Trial Case No. 3PA-20-  
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PUBLIC DEFENDER AGENCY,

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Supreme Court No. S-\_\_\_\_\_

SUPERIOR COURT,

Respondent.

Trial Case No. 3PA-20-  
00151/152/153/154CN

**AFFIDAVIT OF COUNSEL**

**VRA AND APP. R. 513.5 CERTIFICATION**

I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any offense unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court. I further certify, pursuant to App. R. 513, that the font used in this document is Arial 12.5 point.

STATE OF ALASKA )  
 ) ss  
THIRD JUDICIAL DISTRICT )

Linda Beecher swears:

1. I am a deputy public defender in the civil section of the Public Defender Agency in Anchorage.
2. The facts set out in this motion are true to the best of my knowledge.

3. The Agency has a conflict that precludes its representation of R.G. in this matter. The Agency is moving to withdraw in the underlying trial court case because the Agency's attempts to mitigate what began as a personal conflict for one of its lawyers under Professional Conduct Rule 1.7(a)(2) were unsuccessful. These efforts included filing a motion seeking to have conflict-free counsel appointed to Mr. G [REDACTED] to advise him regarding his allegations that the Agency attorneys had been ineffective and reassigning the case to attorneys in the Anchorage office, including undersigned counsel. The newly assigned attorneys have attempted to work with Mr. G [REDACTED] however, he maintains that his prior and current attorneys are ineffective. Given Mr. G [REDACTED] concerns about the Agency's representation, it can no longer provide him representation consistent with the professional conduct rules.

4. Given the developments in the trial court case, the conflict is imputed to the entire agency under Professional Conduct Rule 1.10, and there is no lawyer in the Agency that can provide R.G. conflict-free representation in this matter.

LINDA BEECHER (8606041)  
DEPUTY PUBLIC DEFENDER

Subscribed and sworn to before me on:

June 29, 2021



Sinead Brady  
Notary Public in Alaska  
Commission expires with office

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on June 21, 2021, a true and correct copy of the foregoing document, **Motion to Consolidate**, was emailed to Ranchoff (AG), Demarest (AG), Levitt (OPA), Mackin (OPA), Meade (ACS). By: SB